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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,666

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EXAMINER

LEYSON, JOSEPH S

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,666	Applicant(s) MARCHANTE MORENO, INNOCENTE	
	Examiner JOSEPH LEYSON	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-13 is/are pending in the application.
4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 9 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 14, 2007.

Specification

2. The substitute specification filed July 3, 2003 is acceptable and has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 2, 5-8 and 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the second axle being positioned in a downstream direction and offset in a vertical direction with respect to the first axle, the third axle being positioned in the downstream direction and offset in the vertical direction with respect to the second axle, and the fourth axle being positioned in the downstream direction and offset

Art Unit: 1791

in the vertical direction with respect to the third axle, which is NOT originally disclosed and thus is NEW MATTER. The original specification (i.e., p. 6, lines 6-30) discloses the second axle being offset forward and vertically with respect to the first axle, the third axle being offset forward and vertically with respect to the second axle, and the fourth axle being offset forward and vertically with respect to the third axle. Note that “forward” is understood from the original specification to be a direction heading to the right, as shown in instant figures 1 and 2. The second axle being positioned in a downstream direction includes the second axle being positioned behind (i.e., to the left in instant figs. 1 and 2) the first axle and includes the first and second axles being vertically aligned (i.e., one axle directly over the other), ALL of which is not originally disclosed and thus is NEW MATTER. The third axle being positioned in a downstream direction includes the third axle being positioned behind (i.e., to the left in instant figs. 1 and 2) the second axle and includes the second and third axles being vertically aligned (i.e., one axle directly over the other), ALL of which is not originally disclosed and thus is NEW MATTER. The fourth axle being positioned in a downstream direction includes the fourth axle being positioned behind (i.e., to the left in instant figs. 1 and 2) the third axle and includes the third and fourth axles being vertically aligned (i.e., one axle directly over the other), ALL of which is not originally disclosed and thus is NEW MATTER.

Claim 7 recites the motorized rotational drive means driving the first drawing cylinder and the second drawing cylinder in substantial synchronism, which is NOT originally disclosed and thus is NEW MATTER. The original specification (i.e., p. 7, lines 35-39) discloses that the motorized rotational drive means drives the first drawing

Art Unit: 1791

cylinder and the second drawing cylinder in synchronism or almost in synchronism, that is to say with a slightly higher speed for the second cylinder. Thus, the original specification discloses that the driven speed of the first and second drawing cylinders can be in synchronism (at the same speed) or almost in synchronism (defined by the specification as a slightly higher speed for the second cylinder). However, “substantial synchronism” further includes a slightly lower speed for the second cylinder, which is not originally disclosed and thus is NEW MATTER.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, 5-8 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the second press element corresponds to the third drawing cylinder. Therefore, the relationship of third press element to the third drawing cylinder in the rest of claim 1 is incorrect, as understood from the original specification (i.e., p. 7, lines 15-22). The examiner suggests amending portions of claim 1 as follows: “a mobile coupling on which the third drawing cylinder is mounted and that supports the ~~third~~ second press element, and”; and “wherein the ~~third~~ second press element accompanies the third drawing cylinder as the position of the third axle is adjusted and the drawing distance in the first drawing stage is regulated”.

Allowable Subject Matter

Art Unit: 1791

7. Claims 1, 2, 5-8 and 10-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or reasonably suggest, the device as recited by instant claims 1, 2, 5-8 and 10-13, particularly including the mobile coupling on which the third drawing cylinder is mounted and that supports the second press element, and the motorized means for causing the mobile coupling to pivot about an axis connected to the frame of the drawing device so as to adjust a position of the third axle and thereby regulate a drawing distance in the first drawing stage formed between the second drawing cylinder and the third drawing cylinder, wherein the second press element accompanies the third drawing cylinder as the position of the third axle is adjusted and the drawing distance in the first drawing stage is regulated.

Response to Arguments

9. Applicant's arguments with respect to the instant claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 1791

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH LEYSON whose telephone number is (571)272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. L./

Examiner, Art Unit 1791

/James Mackey/

Primary Examiner, Art Unit 1791